

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: CIRCUIT CITY STORES, INC.,
Debtor.

Case No. 08-35653-KRH
Chapter 11

Alfred H. Siegel,

Plaintiff,

v.

APN 10-03385-KRH

Mitek Corporation (MTX),

Defendant.

PRETRIAL ORDER

Counsel for the parties attended a pretrial conference held by the Court on March 11, 2013. Counsel estimated the time necessary to conduct the trial of this case to be **Two Days** (the “Estimated Trial Time”). As promptly as possible, counsel must advise the Court (1) if the time necessary to conduct the trial will exceed the Estimated Trial Time, or (2) if a settlement is reached in this case.

IT IS ORDERED that the following schedule is established in this adversary proceeding. Failure to comply with this Order shall result in appropriate sanctions.

1. The trial shall be held in the United States Bankruptcy Court, Room 5000, U.S. Courthouse, 701 East Broad Street, Richmond, Virginia on **December 12 and 13, 2013** (the “Trial Date”) at **10:00 a.m.**

2. On or before 21 days prior to the Trial Date counsel for the parties shall meet at a mutually convenient location and make a good faith effort to narrow the issues in the trial and to

enter into written stipulations of any uncontroverted facts (the “Stipulation”). The Stipulation (or in lieu thereof, a joint statement of counsel that no agreement as to any uncontroverted facts could be reached) shall be filed with the Court on or before 14 days prior to the Trial Date.

3. Discovery shall be completed on or before 21 days prior to the Trial Date.

4. All motions for summary judgment and all other dispositive motions must be filed no later than 30 days prior to the Trial Date.

5. The parties shall make the disclosures of expert testimony required by Rule 7026(a)(2) of the Federal Rules of Bankruptcy Procedure no later than 60 days prior to the Trial Date, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 7026(a)(2)(B) of the Federal Rules of Bankruptcy Procedure, on or before 21 days after the disclosure made by the other party.

6. On or before 14 days prior to the Trial Date, counsel for the parties shall file with the Clerk a list of proposed exhibits and the proposed exhibits. The exhibits shall be filed in accordance with the attached instructions which are hereby incorporated and made a part of this order.

7. Objections to any of the proposed exhibits shall be filed on or before 7 days prior to the Trial Date. Exhibits to which no timely objection has been made will stand as admitted into evidence.

8. Counsel for Plaintiff shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Plaintiff intends to call to testify at trial on or before 14 days prior to the Trial Date; and counsel for Defendant shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Defendant intends to call at trial not later than 10 days prior to the Trial Date.

Counsel for Plaintiff may file a list of rebuttal witnesses on or before 7 days prior to the Trial Date.

9. Counsel for the parties shall file a designation of those witnesses whose testimony is expected to be presented by means of a deposition and a redacted transcript of the pertinent portions of the deposition testimony on or before 14 days prior to the Trial Date. Any other party may file counter designations of the redacted portions of the deposition transcript they deem relevant not later than 10 days prior to the Trial Date. Objections to the use under Rule 7032(a) of the Federal Rules of Bankruptcy Procedure of a deposition so designated by another party shall be filed on or before 7 days prior to the Trial Date.

10. Should a settlement be reached, counsel shall immediately file any motion required by Rule 9019 of the Federal Rules of Bankruptcy procedure for approval of the settlement (the "Rule 9019 Motion"). Counsel shall schedule a hearing to be conducted not later than 28 days after the Trial Date to consider any Rule 9019 Motion and for presentation of a final order.

11. It is the responsibility of all counsel to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the judge.

12. The Clerk shall forward a copy of this order to all counsel of record.

SO ORDERED: _____

/s/Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

**INSTRUCTIONS
FOR PREPARING EXHIBIT LIST, PREMARKING EXHIBITS**

NOTE: The following procedures are to be followed in electronic (ECF) cases.

Exhibits List

The Exhibits List must be typewritten -double spaced - and should briefly describe each Exhibit to be introduced at trial.

Exhibits

Each Exhibit should be numbered on a colored adhesive label, in accordance with the following:

PLAINTIFF*	YELLOW - numerically beginning No. 1
DEFENDANT*	BLUE - alphabetically, e.g., A, B, C, . . AA, AB, etc.
GOVERNMENT	YELLOW - numerically beginning No. 101

*In cases with more than one party, please identify the appropriate party on each Exhibit.

The adhesive labels should be affixed at the bottom of the Exhibit. Exhibits must be numbered to correspond with the numbers assigned on the Exhibits List to such Exhibit.

Exhibits should be letter size (8½" x 11"), photo-reduced if necessary, pursuant to Local Rule 5005-1(C)(3).

If an Exhibit is a small document, such Exhibit must be stapled to a sheet of standard sized paper, and the Exhibit label affixed to the bottom of the sheet of paper. In the case of a group of photographs or checks, please affix a separate label to each photograph or check, and number as follows:

PLAINTIFF-	1-A, 1-B, 1-C, etc.
DEFENDANT-	A-1, A-2, A-3, etc.
GOVERNMENT-	101-A, 101-B, 101-C, etc

The marked Exhibits must be firmly bound and tabbed. The originals and two copies of both the Exhibits and Exhibits List should be filed with the Court by the date set in the Pretrial Order. Sufficient copies should be available for each opposing counsel.

It is desirable that counsel stipulate as to the admissibility of as many Exhibits as possible, so that such Exhibits may be admitted into evidence at the beginning of trial.